

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #3	CCRB Case #: 201508277	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/30/2015 10:30 AM	Location of Incident: 2nd Avenue and East 44th Street	Precinct: 17	18 Mo. SOL 3/30/2017	EO SOL 3/30/2017	
Date/Time CV Reported Wed, 09/30/2015 1:39 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 09/30/2015 1:39 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Clinton Green	01875	949056	072 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Talisha Jeterhoward	03525	921441	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Clinton Green	Force: PO Clinton Green used physical force against § 87(2)(b) [REDACTED]	

### Case Summary

§ 87(2)(b) filed this complaint with the CCRB via E-Mail on September 30, 2015 on behalf of an individual he did not know, but was subsequently identified as § 87(2)(b). § 87(2)(b) filed his own complaint with the CCRB via telephone on the same date.

On September 30, 2015, at approximately 10:30 a.m., § 87(2)(b) rode his bicycle along 2<sup>nd</sup> Avenue in Manhattan. Upon approaching East 44<sup>th</sup> Street, § 87(2)(b) was forced into a restricted convoy lane for the U.N. General Assembly in order to avoid being hit by a car. Upon reaching the corner, PO Clinton Green of the 72<sup>nd</sup> Precinct knocked § 87(2)(b) off his bicycle (**Allegation A**).

There was no video footage associated with this incident.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- § 87(2)(b) rejected mediation § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of November 17, 2015, § 87(2)(b) has not filed a Notice of Claims with New York City.

### Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) have no previous CCRB complaints (BR 01-02).
- PO Green has been a member of service for five years and has no substantiated allegations against him. This is PO Green's first CCRB complaint.

### Findings and Recommendations

#### **Allegation A - Force: PO Clinton Green used physical force against § 87(2)(b)**

On September 30, 2015, there was a convoy lane set up along 2<sup>nd</sup> Avenue in Manhattan to allow emergency vehicles or police escorted vehicles to travel uninterrupted as part of the U.N. General Assembly. The lane was set up in the further-most left lane of 2<sup>nd</sup> Avenue where cars usually park. The lane was designated by orange cones in the middle of a shared bicycle lane and metal barriers along the sidewalk. Photographs were taken of the location on October 1, 2015 (BR 04, 05).

§ 87(2)(b) stated in his telephone interview on November 4, 2015 that he rode his bicycle along the shared bicycle lane on 2<sup>nd</sup> Avenue, towards East 44<sup>th</sup> Street. However, vehicles along 2<sup>nd</sup> Avenue frequently crossed into the bike lane. Upon approaching East 44<sup>th</sup> Street, § 87(2)(b) was forced into the restricted convoy lane in order to avoid being hit by a car that crossed into the bicycle lane. § 87(2)(b) remained in the restricted lane for approximately 10-15 feet and tried to merge back out of it near the intersection of East 44<sup>th</sup> Street and 2<sup>nd</sup> Avenue. PO Green, who was identified by § 87(2)(b) by name, then slapped § 87(2)(b)'s right forearm with the palm of his hand in an attempt to stop him. § 87(2)(b) lost control of his bicycle and fell to the ground with the bicycle still between his legs. § 87(2)(b) received scrapes to his elbow and knee and had his pants torn. PO Green made no previous efforts to stop § 87(2)(b) verbally or through gestures. § 87(2)(b) did not seek medical attention and he did not take photographs of the injuries or his pants. § 87(2)(b) requested to speak to PO Green's supervisor. He was taken to Sgt. Jeter-

Howard who did not witness the incident. Sgt. Jeter-Howard told PO Green to apologize to § 87(2)(b) and he did.

§ 87(2)(b) § 87(2)(g) was interviewed on October 15, 2015. He stated that he saw § 87(2)(b) cycling in the restricted lane towards East 44<sup>th</sup> Street. He stated that he saw PO Green hook his arm around one of § 87(2)(b)'s arm that held on to the handlebars. The hooking motion was used by PO Green to pull § 87(2)(b) down to the floor with his bicycle. PO Green and § 87(2)(b) then argued back and forth over the situation but § 87(2)(b) did not recall the extent of the conversation.

PO Green was interviewed on November 4, 2015 at the CCRB. PO Green stated that on the date of the incident, he saw § 87(2)(b) riding down the convoy lane out of the corner of his eye. PO Green turned towards § 87(2)(b) and stuck one or both hands out to stop § 87(2)(b). PO Green stated that he did not recall if his action of sticking his hand(s) out made contact with § 87(2)(b). He stated that § 87(2)(b) cycled past him and he then heard the bicycle fall but did not actually see him fall. PO Green denied intentionally striking § 87(2)(b) or hooking his arm to pull him down to the ground with his bicycle. However, according to PO Green's memo book (BR 03), he noted that he collided with § 87(2)(b) as he tried to stop him. PO Green verbally apologized to § 87(2)(b) because he did not mean to knock him off his bicycle and did not mean for the incident to turn out the way it did.

Sgt. Jeter-Howard was interviewed at the CCRB on November 4, 2015. She did not witness the incident, however she recalled § 87(2)(b)'s account of the story. § 87(2)(b) informed her that PO Green had knocked him off his bicycle and he showed her scrapes and torn clothes to prove it. PO Green did not dispute § 87(2)(b)'s account of what had occurred. Sgt. Jeter-Howard asked PO Green to apologize to § 87(2)(b) and provided him with the various avenues for filing a complaint.

Patrol Guide Procedure 203-11 states that a police officer must use the minimum amount of force necessary during a police incident (BR 04).

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date

Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date